

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE COMMISSION,	)	
	)	
	)	
Plaintiff,	)	16-cv-10670-LTS
	)	
v.	)	
	)	
DAVID AUBEL and	)	
ROBERT RAFFA,	)	
	)	
Defendants.	)	
	)	

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**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S MOTION  
FOR SUMMARY JUDGMENT AS TO DEFENDANT DAVID AUBEL**

Pursuant to Federal Rule of Civil Procedure 56(a) and Local Rule 56.1, plaintiff Securities and Exchange Commission ("the Commission") moves for summary judgment as to defendant David Aubel. In support of its motion, the Commission submits a memorandum of law, statement of undisputed facts and supporting declaration.

Respectfully submitted,

**SECURITIES AND EXCHANGE  
COMMISSION**

By its attorneys,

Dated: February 22, 2019

//s// Martin F. Healey  
Martin F. Healey (Mass Bar No. 227550)  
Securities and Exchange Commission  
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**LOCAL RULE 7.1 CERTIFICATION**

I certify that counsel for the SEC attempted to confer with defendant David Aubel, who is *pro se* in this matter, in order to resolve and/or narrow the issues raised by this motion. Mr. Aubel is incarcerated, however, having been sentenced in a related criminal case to a term of incarceration of 87 months, and attempts to contact him have not been successful.

//s// Martin F. Healey  
Martin F. Healey

**CERTIFICATE OF SERVICE**

I certify that on February 22, 2019, I caused a copy of the foregoing document to be filed through the ECF system and, accordingly, the document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”). In addition, I caused a hard copy of the document to be sent by overnight mail to defendant David Aubel, who is *pro se* in this matter, care of the U.S. Marshal’s service. Mr. Aubel is incarcerated, having been sentenced in a related criminal case to a term of incarceration of 87 months, but has not yet been transferred to the custody of the Bureau of Prisons.

//s// Martin F. Healey  
Martin F. Healey